

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIRST LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 83**

Introduced by McGill, 26.

Read first time January 8, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to protection orders; to amend section 42-924,  
2 Reissue Revised Statutes of Nebraska; to provide for  
3 the care of and protect from harm domestic animals as  
4 prescribed; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 42-924, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           42-924 (1) Any victim of domestic abuse may file a  
4 petition and affidavit for a protection order as provided in  
5 subsection (2) of this section. Upon the filing of such a petition  
6 and affidavit in support thereof, the judge or court may issue a  
7 protection order without bond granting the following relief:

8           (a) Enjoining the respondent from imposing any restraint  
9 upon the petitioner or upon the liberty of the petitioner;

10           (b) Enjoining the respondent from threatening,  
11 assaulting, molesting, attacking, or otherwise disturbing the peace  
12 of the petitioner;

13           (c) Enjoining the respondent from telephoning,  
14 contacting, or otherwise communicating with the petitioner;

15           (d) Removing and excluding the respondent from the  
16 residence of the petitioner, regardless of the ownership of the  
17 residence;

18           (e) Ordering the respondent to stay away from any place  
19 specified by the court;

20           (f) Awarding the petitioner temporary custody of any  
21 minor children not to exceed ninety days; ~~or~~

22           (g) Directing the care, custody, or control of any  
23 domestic animal owned, possessed, leased, kept, or held by either  
24 party or a minor child residing in the household;

25           (h) Enjoining the respondent from harming or killing,

1 without justification, any domestic animal owned, possessed,  
2 leased, kept, or held by the petitioner or a minor child residing  
3 in the household; or

4 ~~(g)~~ (i) Ordering such other relief deemed necessary to  
5 provide for the safety and welfare of the petitioner and any  
6 designated family or household member.

7 (2) Petitions for protection orders shall be filed with  
8 the clerk of the district court, and the proceeding may be heard  
9 by the county court or the district court as provided in section  
10 25-2740.

11 (3) A petition filed pursuant to subsection (1) of this  
12 section may not be withdrawn except upon order of the court. An  
13 order issued pursuant to subsection (1) of this section shall  
14 specify that it is effective for a period of one year and, if  
15 the order grants temporary custody, the number of days of custody  
16 granted to the petitioner unless otherwise modified by the court.  
17 Any person who knowingly violates an order issued pursuant to  
18 subsection (1) of this section or section 42-931 after service  
19 shall be guilty of a Class II misdemeanor, except that (a) any  
20 person convicted of violating such order who has a prior conviction  
21 for violating a protection order shall be guilty of a Class I  
22 misdemeanor and (b) any person convicted of violating such order  
23 who has a prior conviction for violating the same protection order  
24 or a protection order granted to the same petitioner shall be  
25 guilty of a Class IV felony.

1                   (4) If there is any conflict between sections 42-924 to  
2 42-926 and any other provision of law, sections 42-924 to 42-926  
3 shall govern.

4                   Sec. 2. Original section 42-924, Reissue Revised Statutes  
5 of Nebraska, is repealed.